

ORIGINAL

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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 18 2002
10 o'clock and min. A.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| | | |
|---------------------------|--------|---------------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 02-00272 DAE |
| |) | |
| Plaintiff, |) | SUPERSEDING INDICTMENT |
| |) | |
| vs. |) | [21 U.S.C. § 841, 846 and |
| |) | Title 18 U.S.C. § 2] |
| MARSHELLY MAILOU, | (01)) | |
| aka "SHELLY" |) | |
| DANIEL MAILOU, | (02)) | |
| DWAYNE AHAKUELO, | (03)) | |
| aka "AKU" |) | |
| JOHN SARDINHA, | (04)) | |
| ROMY SABALBORO, and | (05)) | |
| ERIC SALSEDO, | (06)) | |
| |) | |
| Defendants. |) | |
| |) | |

SUPERSEDING INDICTMENT

Count 1:

The Grand Jury charges:

From on or about May 9, 2002, to and including June 15,
2002, in the District of Hawaii, and elsewhere,

MARSHELLY MAILOU aka "SHELLY"
DANIEL MAILOU,
DWAYNE AHAKUELO, aka "AKU"
and
JOHN SARDINHA,

defendants herein, did willfully and unlawfully conspire together with each other, and others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute, and distribute, in excess of fifty (50) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

It was the object of the aforesaid conspiracy to distribute and possess for distribution methamphetamine in Hawaii.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the defendants performed overt acts in the District of Hawaii and elsewhere which include, but are not limited to, the following:

1. On May 9, 2002, MARSHELLY MAILOU distributed approximately one ounce of cocaine base to an undercover officer.
2. On June 4, 2002, DWAYNE AHAKUELO obtained approximately two ounces of cocaine base from JOHN SARDINHA for purposes of further distribution.

3. On June 4, 2002, DWAYNE AHAKUELO distributed to MARSHELLY MAILOU, for further distribution, the cocaine base that he received from JOHN SARDINHA.

4. On June 4, 2002, MARSHELLY MAILOU distributed approximately two ounces of cocaine base to an undercover officer.

5. On June 13, 2002, DWAYNE AHAKUELO obtained approximately five ounces of cocaine base for distribution from JOHN SARDINHA.

6. On June 13, 2002, DWAYNE AHAKUELO possessed approximately five ounces of cocaine base for distribution to an undercover officer.

7. On June 13, 2002, MARSHELLY MAILOU and DANIEL MAILOU met with DWAYNE AHAKUELO to coordinate the distribution of approximately five ounces of cocaine base to an undercover officer.

8. On June 14, 2002, DWAYNE AHAKUELO possessed with intent to distribute approximately five ounces of cocaine base that he received from JOHN SARDINHA.

All in violation of Title 21, United States Code, Section 846.

Count 2:

The Grand Jury further charges:

On or about May 9, 2002, in the District of Hawaii, **MARSHELLY MAILOU aka "SHELLY"**, did knowingly and intentionally possess with intent to distribute, and distribute, in excess of five (5) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 3:

The Grand Jury further charges:

On or about June 4, 2002, in the District of Hawaii, **MARSHELLY MAILOU aka "SHELLY"**, did knowingly and intentionally possess with intent to distribute, and distribute, in excess of five (5) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 4:

The Grand Jury further charges:

On or about June 13, 2002, in the District of Hawaii, **MARSHELLY MAILOU aka "SHELLY" and DANIEL MAILOU**, did knowingly and intentionally attempt to possess with intent to distribute, in excess of fifty (50) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States

Code, Sections 841(a)(1), 841(b)(1)(A) and Title 18 United States Code Section 2.

Count 5:

The Grand Jury further charges:

On or about June 14, 2002, in the District of Hawaii, **DWAYNE AHAKUELO, aka "AKU"**, did knowingly and intentionally possess with intent to distribute, in excess of fifty (50) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A).

Count 6:

The Grand Jury further charges:

On or about June 15, 2002, in the District of Hawaii, **JOHN SARDINHA**, did knowingly and intentionally possess with intent to distribute in excess of five (5) grams of methamphetamine, its salts isomers and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 7:

The Grand Jury further charges:

From on or about February 1, 2002, to and including March 20, 2002, in the District of Hawaii, and elsewhere,

**JOHN SARDINHA
ERIC SALSEDO, and
ROMY SABALBORO**

defendants herein, did willfully and unlawfully conspire together with each other and others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute, and distribute, in excess of fifty (50) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

It was the object of the aforesaid conspiracy to distribute and possess for distribution cocaine base in Hawaii.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the defendants performed overt acts in the District of Hawaii and elsewhere which include, but are not limited to, the following:

1. On or about February 28, 2002, John SARDINHA gave to Eric SALSEDO 24.5 grams of cocaine base to deliver to Romy SABALBORO.

2. On or about February 28, 2002, Eric SALSEDO delivered the 24.5 grams of cocaine base to Romy SABALBORO.

3. On or about February 28, 2002, Romy SABALBORO distributed the 24.5 grams of cocaine base to an undercover officer in exchange for \$1,300 in cash.

4. On or about March 14, 2002, John SARDINHA gave to Eric SALSEDO 49.1 grams of cocaine base to deliver to Romy SABALBORO.

5. On or about March 14, 2002, Eric SALSEDO delivered the 49.1 grams of cocaine base to Romy SBALBORO.

6. On or about March 14, 2002, Romy SABALBORO distributed the 49.1 grams of cocaine base to an undercover officer in exchange for \$2,600 in cash.

All in violation of Title 21, United States Code, Section 846.

Count 8:

The Grand Jury further charges:

On or about February 28, 2002, in the District of Hawaii, **JOHN SARDINHA, ERIC SALSEDO, and ROMY SABALBORO**, did knowingly and intentionally possess with intent to distribute, and distribute, in excess of five (5) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and Title 18 United States Code Section 2.

Count 9:

The Grand Jury further charges:

On or about March 14, 2002, in the District of Hawaii, **JOHN SARDINHA, ERIC SALSEDO, and ROMY SABALBORO**, did knowingly and intentionally possess with intent to distribute, and distribute, in excess of five (5) grams of cocaine base, a Schedule II controlled substance, in violation of Title 21,

United States Code, Sections 841(a)(1), 841(b)(1)(B) and Title 18
United States Code Section 2.

DATED: Honolulu, Hawaii, 7/18/2002.

A TRUE BILL

ISI
FOREPERSON, GRAND JURY

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United States v. Marshelly Mailou, et al.
"Superseding Indictment"
Cr. No. 02-00272 DAE